

available at trial, and (3) to correct a clear error of law or prevent manifest injustice. *Bogart v. Chapell*, 396 F.3d 548, 555 (4th Cir. 2005) (citations omitted). Rule 59(e) motion may not be used “to relitigate old matters or to raise arguments or present evidence that could have been raised prior to the entry of judgment.” *Pac. Ins. Co. v. Am. Nat. Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998). Whether to grant a Rule 59(e) motion is within the broad discretion of the district court. *Id.*

Plaintiff has identified no new evidence nor has she identified any intervening change in controlling law. Rather, plaintiff argues that material facts, evidence, proof, and documents have been overlook or ignored by the Court.

A. Fourth Amendment

Plaintiff argues that summary judgment should not have been entered in favor of defendants on her claim for violation of her rights under the Fourth Amendment. Plaintiff has provided excerpts from her complaint regarding her Fourth Amendment allegations. The Court has already considered plaintiff’s complaint and her arguments related to this claim. Plaintiff has identified no clear error of law committed by the Court.

B. Dismissal of USMS, Konig, and unknown agents

Plaintiff argues that the Court erred in dismissing the United States Marshals Service (USMS) and its deputies. Plaintiff has already asked this Court to reconsider its decision as to these defendants in a previously filed Rule 60(b) motion. Fed. R. Civ. P. 60(b). Though plaintiff continues to argue that the USMS lacked jurisdiction to be in her home, the Court has dismissed plaintiff’s claims against the USMS and its deputies as barred by the applicable statute of limitations. [DE 248].

- C. Warrant deficiencies, cellular phone tracking, and failure to produce arrest warrant

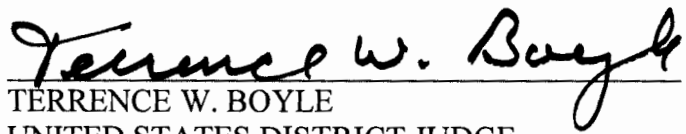
The Court has considered each of plaintiff's remaining arguments related to the validity of the search warrants, alleged unauthorized cellular phone tracking, and the alleged failure to produce arrest warrant/search warrant and finds no basis upon which to reconsider its prior orders. The Court has addressed plaintiff's claims related to the sufficiency of the search warrants in its order on summary judgment. [DE 312]. Plaintiff's allegations regarding a USMS agent using a computer in a vehicle and that law enforcement agents would appear whenever plaintiff made a phone call do not state a claim upon which relief could be granted. *See* Fed. R. Civ. P. 12(b)(6). Finally, plaintiff contends that she was not shown a search warrant when officers searched her home and that the search was therefore warrantless. This argument is without merit. *See United States v. Hurwitz*, 459 F.3d 463, 472 (4th Cir. 2006) ("The Fourth Amendment does not require an officer to serve a search warrant before executing it.").

CONCLUSION

In sum, plaintiff has failed to demonstrate that this Court committed a clear error of law in granting summary judgment to defendants or in its earlier orders dismissing defendants and claims, nor has plaintiff demonstrated that the Court's orders have resulted in manifest injustice. Plaintiff has further failed to produce any new evidence or identify any intervening change in controlling law. Plaintiff's motion pursuant to Rule 59(e) is therefore DENIED.

SO ORDERED.

This the 7 day of April, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE